FILE COPY

Jack Kenealy

ATTORNEY AT LAW

February 16, 1994

REC'D

LMFT&M

Mr. Jeffrey M. Tanenbaum
LITTLER, MENDELSON, FASTIFF,
TICHY & MATHIASON
A Professional Corporation
650 California Street, 20th Floor
San Francisco, California 94108-2693

Re: Shasta County Non-Smoking Ordinance

Dear Jeff:

It was nice making your acquaintance on the telephone Wednesday. Enclosed find a copy of Memorandum of Points and Authorities in Support of a Motion to Dismiss various cases on the grounds of vagueness, the Shasta County Non-Smoking Ordinance is attached as Exhibit "A".

As I indicated I have been involved in the fight against this ordinance from its conception. I spoke against it at the Board of Supervisor's Meeting when it was being contemplated, represented the restaurant owners who gathered over 12,000 signatures in about two weeks to place the measure on the ballot after it was enacted, and was the chief spokesman in the campaign against the ordinance.

Since the ordinance was enacted, the County has taken money away from hospitals and their cessation of smoking programs and used it to pay for marshals to accompany local health officials in the enforcement of the ordinance, primarily in bars.

I appreciate any assistance you can give me in a couple of areas. One, is the appropriate use of Prop 99 funds for deployment of marshals to enforce the ordinance? Two, whether this ordinance presents the same peremption issues contained in your suit on behalf of Philip Morris, et al.

I look forward to hearing from you further.

Very truly yours,

JACK KENEALY

JK:pc
Enclosures

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